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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,823	09/08/2003	William J. Boyer JR.	61605-2	1156
22504 7590 02/22/2008 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045				
EXAMINER				
ARAQUE JR, GERARDO				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,823

Applicant(s)

BOYER ET AL.

Examiner

GERARDO ARAQUE JR

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 6** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. **Claim 6** recites the limitation "**the exchanging an electronic document or a paper document**" in **lines 1 - 2 of claim 6**. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1 – 3, 5 – 7, and 10 – 12** are rejected under 35 U.S.C. 102(e) as being anticipated by **Metzger (US PGPub 2006/0085308 A1)**.

7. In regards to **claim 1**, **Metzger** discloses a method comprising:

accepting a reservation for rental of a self-contained in-flight entertainment device for use on a commercial airline flight of an aircraft (**Page 1 ¶ 14**);

adding the reservation to a manifest containing at least a count of self-contained in-flight entertainment devices reserved for the commercial airline flight (**Page 1 ¶ 14**);

comparing the count of self-contained in-flight entertainment devices reserved for the commercial airline flight with a default number indicating how many in-flight entertainment devices are stored on board the aircraft (**see at least Pages 2 – 3 ¶ 33 – 35; Page 4 ¶ 39**); and

if the count of self-contained in-flight entertainment devices reserved for the commercial airline flight is larger than the default number by a difference, then bringing on board the aircraft before the commercial airline flight commences an additional number of self-contained in-flight entertainment devices at least as large as the difference (**Page 2 ¶ 34 – 35; Page 4 ¶ 39**).

8. In regards to **claim 2**, **Metzger** discloses further including delivering the manifest to the aircraft before the commercial airline flight commences (**Page 1 ¶ 14 See also Page 3 ¶ 35 regarding pre-flight inventory count**).

9. In regards to **claim 3**, **Metzger** discloses wherein the reserving further includes reserving a commercial airline flight (**inherently included**).

10. In regards to **claim 5**, **Metzger** discloses a method comprising:

reserving for rental of one of a plurality of self-contained in-flight entertainment devices for use on a commercial airline flight of an aircraft (**Page 1 ¶ 14**);

receiving a voucher associated with the reserving (**Page 9 ¶ 94 – 95**);

exchanging the voucher for one of the plurality of self-contained in-flight entertainment devices (**Page 9 ¶ 94 – 95**);

using the self-contained in-flight entertainment device while flying on the commercial airline flight (**inherently included**); and

exchanging the self-contained in-flight entertainment devices for a return acknowledgement (**see at least Page 9 ¶ 93, 95 wherein a passenger rents one or more IFE services or devices and wherein it is inherent that the passenger must return the item and a receipt would of the transaction would be provided**).

11. In regards to **claim 6, Metzger** discloses wherein with the exchanging an electronic document or a paper document is used for the return acknowledgement (**see at least Page 9 ¶ 93, 95 wherein a passenger rents one or more IFE services or devices and wherein it is inherent that the passenger must return the item and a receipt would of the transaction would be provided**).

12. In regards to **claim 7, Metzger** discloses wherein the receiving the voucher includes an electronic document or a paper document (**Page 9 ¶ 94 – 95**).

13. In regards to **claim 10, Metzger** discloses a method comprising:

accepting a reservation for rental of a self-contained in-flight entertainment device for use on a commercial airline flight of an aircraft (**Page 1 ¶ 14**);

adding the reservation to a manifest containing at least a count of self-contained in-flight entertainment devices reserved for the commercial airline flight (**Page 1 ¶ 14**);

comparing the count of self-contained in-flight entertainment devices reserved for the commercial airline flight with a default number indicating how many in-flight entertainment devices are kept at a pickup location near origination of the commercial airline flight (**see at least Pages 2 – 3 ¶ 33 – 35; Page 4 ¶ 39**); and

if the count of self-contained in-flight entertainment devices reserved for the commercial airline flight is larger than the default number by a difference, then bringing to the pickup location before the commercial airline flight commences an additional number of self-contained in-flight entertainment devices at least as large as the difference (**Page 2 ¶ 34 – 35; Page 4 ¶ 39**).

14. In regards to **claim 11**, **Metzger** discloses a method comprising:

accepting a reservation for rental of a self-contained in-flight entertainment device for use on a commercial airline flight of an aircraft (**Page 1 ¶ 14**);

adding the reservation to a manifest containing at least a count of self-contained in-flight entertainment devices reserved for the commercial airline flight (**Page 1 ¶ 14**);

comparing the count of self-contained in-flight entertainment devices reserved for the commercial airline flight with a default number indicating how many in-flight entertainment devices are stored on board the aircraft (**see at least Pages 2 – 3 ¶ 33 – 35; Page 4 ¶ 39**); and

if the count of self-contained in-flight entertainment devices reserved for the commercial airline flight is larger than the default number by a difference, then bringing

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on board the aircraft before the commercial airline flight commences an additional number of self-contained in-flight entertainment devices at least as large as the difference (**Page 2 ¶ 34 – 35; Page 4 ¶ 39**).

15. In regards to **claim 12, Metzger** discloses wherein the pickup location is inside of a high security area (**see at least Page 1 ¶ 14; Page 10 ¶ 93 – 94; wherein the IFE orders are carried out on board and can be picked up within the airplane**).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claims 4, 8 – 9, 13 – 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Metzger (US PGPub 2006/0085308 A1)** in view of **Official Notice**.

18. In regards to **claims 4 and 9, Metzger** discloses wherein the bringing is done by a catering service for the commercial airline flight wherein a supply truck delivers the additional number of self-contained in-flight entertainment devices to the aircraft (**see at least Page 3 ¶ 34 – 35**).

However, **Metzger** fails to explicitly disclose that the delivering is carried out by a truck. However, Official Notice is taken that there are various methods of delivering items and, as a result, it would have been obvious to one having ordinary skill in the art that delivering items in a truck are just one of the many methods of delivery.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Metzger** in view of **Official Notice** to deliver catering items in a truck in the event that a large delivery is required.

19. In regards to **claim 8**, **Metzger** discloses a method comprising:

accepting a reservation for rental of a self-contained in-flight entertainment devices for use by a person on a commercial airline flight of an aircraft (**Page 1 ¶ 14**).

However, **Metzger** fails to explicitly disclose:

determining if any number of a plurality of self-contained in-flight entertainment devices stored on board the aircraft require deletion of stored audiovisual presentations and addition of other audiovisual presentations and if so, delivering a quantity of the other self-contained in-flight entertainment devices having the other audiovisual presentations stored to the aircraft for exchange with the any number of self-contained in-flight entertainment devices requiring deletion of store audiovisual presentations.

However, **Metzger** discloses that the flight attendant records all IFE services and devices that are being requested by the passengers and delivering those services and devices, as discussed above. As a result, **Official Notice** is taken that it would have been obvious to one having ordinary skill in the art to exchange the newly ordered IFE services and devices with the IFE services and devices already stored on the plane, which were not requested since it is old and well known that weight is an important issue for a plane. That is to say, it is old and well known for unnecessary weight, i.e. IFE services and devices that are not needed, to be removed from a plane for safety issues, such as unwanted fuel consumption, for example.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Metzger** in view of **Official Notice** to exchange the newly ordered IFE services and devices with the IFE services and devices already stored on the plane, which were not requested.

20. In regards to **claims 13 and 17**, **Metzger** fails to disclose wherein the pickup location is a kiosk counter or a gate counter.

However, **Official Notice** is taken that the kiosk counter/gate counter is associated with the airline and as a result it would have been obvious to one having ordinary skill in art that IFE services or devices can be picked up at the counter. Further still, the Examiner also asserts that it would have been common sense for the items newly delivered IFE devices or services to be picked up at a counter and not at the entrance of the plane for security issues (**see also Page 3 ¶ 36**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Metzger** in view of the teachings of **Official Notice** to pick up the IFE services or devices at a kiosk counter/gate counter for security issues.

21. In regards to **claim 14**, **Metzger** fails disclose wherein the pickup location is a counter of a rental car agency.

However, **Metzger** does disclose the use of a third party clearing house and other responsible parties as possible drop off locations (**see at least page 3 ¶ 37; Page 11 ¶ 109**). As a result, the Examiner asserts that it would have been obvious to one having ordinary skill in the art that any party associated with the catering service would also serve as an alternate provider for IFE services or devices. Further still, the

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Examiner further asserts that rental car agencies are usually found on airport premises and that there are several services that are associated with a passengers flight can be carried out by a car rental agency. Furthermore, it is also old and well known for car rentals, flight reservation, and hotel accommodations to be associated with each other and brought at the same time flight packages and, as a result, it would have also been obvious to one having ordinary skill in the art for a car rental agency to serve as a pick up location for an IFE service or device when a passenger is dropping off a vehicle prior to take-off, for example.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Metzger** to have a car rental agency serve as a pickup location for IFE services or devices.

22. In regards to **claim 15**, **Metzger** discloses:

accepting payment and credential information at the pickup location in exchange for rental of a self-contained in-flight entertainment device for use on a commercial airline flight of an aircraft (**See at least Page 2 ¶ 28, 30**);

receiving the self-contained in-flight entertainment device at a drop-off location after the commercial airline flight in exchange for a return acknowledgement (**see at least Page 9 ¶ 93, 95; Page 11 ¶ 109**).

However, **Metzger** fails to explicitly disclose a method comprising:

determining if any number of a plurality of self-contained in-flight entertainment devices stored at a pickup location require deletion of stored audiovisual presentations and addition of other audiovisual presentations and if so, delivering a quantity of the

other self-contained in-flight entertainment devices having the other audiovisual presentations stored to the pickup location for exchange with the any number of self-contained in-flight entertainment devices requiring deletion of store audiovisual presentations.

However, **Metzger** discloses that the flight attendant records all IFE services and devices that are being requested by the passengers and delivering those services and devices, as discussed above. As a result, **Official Notice** is taken that it would have been obvious to one having ordinary skill in the art to exchange the newly ordered IFE services and devices with the IFE services and devices already stored on the plane, which were not requested since it is old and well known that weight is an important issue for a plane. That is to say, it is old and well known for unnecessary weight, i.e. IFE services and devices that are not needed, to be removed from a plane for safety issues, such as unwanted fuel consumption, for example.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Metzger** in view of **Official Notice** to exchange the newly ordered IFE services and devices with the IFE services and devices already stored on the plane, which were not requested.

23. In regards to **claim 16**, **Metzger** discloses wherein the pickup and drop-off location is onboard the aircraft (see at least Page 9 ¶ 93 – 95; Page 11 ¶ 109).

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARDO ARAQUE JR whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./
Examiner, Art Unit 3629

2/15/08

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629